

EAST INDIA (INDIANS IN EAST AFRICA).

Correspondence
regarding the position of Indians in East Africa
(Kenya and Uganda).

Presented to Parliament by Command of His Majesty



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EAST INDIA (INDIANS IN EAST AFRICA).

No. 1.

*Letter from the Government of India to His Majesty's Secretary of State for India,
No. 33, dated 21st October 1920.*

We have the honour to refer to letter J. and P. 5432, dated the 19th August 1920, from your Secretary, Judicial and Public Department, forwarding a copy of a despatch, dated the 21st May 1920, from the Colonial Office to His Excellency the Governor of Kenya Colony, conveying Lord Milner's decisions on various questions concerning the position of Indians in East Africa. We have now considered the information placed before us by Sir Benjamin Robertson, who was deputed by us, with the consent of the Colonial Office, to visit East Africa and discuss Indian questions with the authorities there.

2. In our Despatch No. 13, dated the 4th June 1919, we recalled the principle which your predecessor pressed upon the Colonial Office in 1914, that there is no justification in a Crown Colony or Protectorate for assigning to British Indians a status in any way inferior to that of any other class of His Majesty's subjects. His Excellency the Viceroy, in his opening speech to the Indian Legislative Council on the 30th January last, and again on the 20th August, reiterated that this is, and always will be, the position of the Government of India. We observed with satisfaction that Lord Milner, in his speech in the House of Lords on the 14th July last, appeared to accept this principle. "In East Africa," he said, "as in other countries under the administration of the Colonial Office, it has been the avowed principle, and it is the definite intention, of the British authorities to mete out even-handed justice between the different races inhabiting those territories." But this does not appear always to have been the policy which has been followed. In reply to a deputation from the Nairobi Indian Association, on the 24th March 1919, His Excellency the Governor is reported to have said that "the principle had been accepted at home that this country (British East Africa) was primarily for European development, and whereas the interests of the Indians would not be lost sight of, in all respects the European must predominate." This was confirmed in letter No. 15528-41, dated the 6th June 1919, from the Chief Secretary to the Government of the East Africa Protectorate to the Indian Association: "His Excellency believes that, though Indian interests should not be lost sight of, European interests must be paramount throughout the Protectorate."

3. At a mass meeting of Indians held at Nairobi on the 22nd August to consider the announcement of Lord Milner's decisions, a resolution was passed protesting against assigning an inferior status to British Indians in the East African territories—

- (a) by not granting them due and effective representation on the Legislative and Municipal Councils;
- (b) by insisting upon the application of the principle of segregation of races;
- (c) by putting restrictions on ownership of land by them.

We propose in this Despatch to confine ourselves to consideration of these three vital issues.

4. *The Franchise.*—In para. 3 of the Despatch of the 21st May, Lord Milner states that he has decided that arrangements shall be made for the election of two Indian members of the Legislative Council on a special franchise. It is understood that the Legislative Council will then be composed as follows:—

- 18 nominated officials, including the Arab Lawali of Mombasa;
- 11 elected Europeans;
- 2 elected Indians.

No authentic figures appear to be available to show the comparative numbers of the European and Indian population, their financial interests in the country, and the amount of taxation contributed by each community. But it is understood that it is not in dispute that by any of these tests the number of seats allotted to the Indian community is not proportionate to their importance. In his speech in the House of

Lords on the 14th July, Lord Milner laid stress on the fact that the majority remains official, and that the final decision, therefore, in all important matters of legislation really rests with the Imperial authorities at home. In these circumstances it seemed to him that the question of the number of elected representatives, and the method of their election, was not of the first importance. This argument, however, would appear to apply equally to European representation. We fully recognise the necessity of maintaining an official majority in order to safeguard the interests of the natives, who, as Lord Milner remarked in his reply to Lord Islington's deputation on the 19th April, are sometimes forgotten in this controversy. But we would strongly urge that even-handed justice requires that the representation of the European and Indian communities, and the method of election, should be assimilated. "What is of vital importance," said Lord Milner, "is that the view of every section of the community should be adequately voiced in the Assembly." It is not clear to us why the European community should require 11 members to voice its views, while two members are considered to be sufficient for the Indian community.

5. Further, where Indian interests are concerned, the official majority does not appear always to be a reliable safeguard. Our attention has been called to the report of the proceedings of the Legislative Council in the Nairobi *Leader* of July 10th last. It is stated there that Lord Delamere, an elected European member, moved an amendment to the Income Tax Bill to the effect that English should be the only permissible language for book-keeping. It was objected that many Indian traders would be unable to keep books in English, and that small out-post traders would be driven from the country; but Lord Delamere insisted that it was an English colony. His Excellency the Governor intervened in the debate, and pointed out that the matter was one for the home authorities to decide. Nevertheless, Lord Delamere's amendment was carried, His Excellency voting in the minority.

6. We are convinced that the only reliable safeguard for Indian interests is adequate representation on the Legislative Council. At the same time, we desire to reiterate our opinion that there should be a common electoral roll and a common franchise on a reasonable property basis *plus* an educational test without racial discrimination, for all British subjects. We believe that this is the true solution of the East African problem. We fear that separate representation for the different communities will perpetuate and intensify racial antagonism. On the other hand, a common electorate, whereby a member of one community would represent constituents of another community, would tend to moderate and compose racial differences. In no other way, we believe, will the diverse races in East Africa become a united people.

7. We recognise that practical objections will be urged against such a solution. In the first place, the Legislative Council Ordinance of 1919 conferred adult suffrage on the European population; and it may be admitted at once that the Indian community is not ripe for adult suffrage. On the other hand, the adoption of a common franchise on the basis which we have suggested would mean a narrower franchise for the European community than that which they now enjoy. It is not within our province to question whether it was wise at once to confer adult suffrage on the shifting European population of a new country like Kenya Colony. It is probable, at any rate, that the great majority would satisfy the property and educational qualifications which we would suggest. We recognise that it would not be possible to disfranchise anyone who already has the vote; but for the future we would urge that there should be a common qualification for everyone, of whatever race, who is admitted to the electoral roll. The composition of the Legislative Council is admittedly experimental, and we would submit, with respect, that its revision should not be prejudiced by the Ordinance of 1919, which was passed without consideration of our views, and indeed without our knowledge.

* 8. Secondly, it may be objected that as the Indians in East Africa are more numerous than the Europeans and are likely to increase more rapidly, a common electorate would mean that the Indian members would dominate the Legislative Council, and that this would be incompatible with the responsibilities of the British Government for the welfare of the Colony as a whole and of the native population in particular. The objection is admittedly not immediate, for it is stated in para. 3 of the Despatch of the 21st May that there is only a very small number of the Indian community who can be regarded as qualified to exercise the franchise. Hence, if the qualification for a common franchise is properly defined, it

follows that the number of Indian voters will be far less than the number of European voters. In the future it is true that with better educational facilities and increased wealth the Indian voters might outnumber the European. But the Indian voters would still, it is believed, to a large extent be concentrated in the urban constituencies. The country districts would continue to return European members. Finally, it is common cause that the interests of the native population require that the official majority should remain. The fear of Indian domination is, we submit, unfounded.

9. In para. 4 of the Despatch of the 21st May, Lord Milner directs that the same arrangements should be made for the elective representation of Indians on Municipal Councils. We understand that the Nairobi Municipal Council, which is the most important in the Colony, now consists of one nominated official and 12 elected Europeans, and that it is proposed to add three elected Indians. We have no exact figures to show the relative positions of the different communities, but we are informed that the population and the incidence of municipal taxation are roughly as follows :—

	Population.	Municipal taxation.
		Rs.
Europeans - - - - -	2,000	70,000
Indians - - - - -	5,000	1,20,000
Africans - - - - -	12,000	10,000
Government grant - - - - -	—	50,000

Here, again, we would urge most strongly that Indian interests should be adequately represented. In the Municipal Councils there is not even the safeguard of an official majority. And it is believed that the insanitary conditions in which Indians are frequently living are due, in part at any rate, to the neglect of the municipal authorities.

10. Here again, also, we would press for a common electoral roll and a common franchise. The ward system of election would secure adequate representation for each community; and an increase in the number of official members, which the interests of the large native population would appear to require, would be a safeguard against the predominance of any single community.

11. *Segregation of Races.*—In para. 7 of the Despatch of the 21st May, Lord Milner has directed that the principle of race-segregation should be adhered to in the residential areas of townships, and, whenever practicable, in commercial areas also. We noted with satisfaction Lord Milner's assurance to Lord Islington's deputation that in any decision which might be come to he would certainly not be actuated either by racial prejudice or allow considerations of trade jealousy to prevail. And we observe that there is no intention to discriminate against Indians or to sacrifice Indian to European interests. It appears from Lord Milner's speech in the House of Lords on the 14th July that the policy of race-segregation emanates from Professor W. J. Simpson, whose principles are enunciated in para. 16 of his Report on Sanitary Matters in the East Africa Protectorate, Uganda and Zanzibar, as follows :—

“Lack of control over buildings, streets and lanes, and over the general growth and development of towns and trade centres in East Africa and Uganda, combined with the intermingling, in the same quarters of town and trade centres, of races with different customs and habits, accounts for many of the insanitary conditions in them and for the extension of disease from one race to another. It is necessary that this haphazard method should be ended and that town-planning schemes embodying separate quarters for Europeans, Asiatics and Africans together with regulations for and control of buildings should be adopted. In forming such schemes, it is requisite to bear in mind the differences which obtain between towns in East Africa and Uganda and those of Europe. In the latter, where the race is practically the same, town planning resolves itself into arranging for residential, commercial and manufacturing areas, which are further governed in character by rental and class, and in such a way as to secure convenience, good transit, pleasing amenities and healthiness for all. In the former something more than this is required where the races are diverse and their habits and customs different from one another. Though the same objects have to be aimed at in both, it has to be recognised that the standard and mode of life of the Asiatic do not ordinarily consort with the European, whilst the customs of Europeans are at times not acceptable to the Asiatics, and that those of the African, unfamiliar with and not adapted to the new conditions of town life, will not blend with either. Also that the diseases to which these different races are respectively liable are readily transferable to the European and *vice versa*, a result specially liable to occur when their dwellings are near each other.

“In the interests of each community and of the healthiness of the locality and country, it is absolutely essential that in every town and trade centre the town planning should provide well defined and separate quarters or wards for Europeans, Asiatics and Africans, as well as those divisions which are necessary in a town of one nationality and race, and that there should be a

neutral belt of open unoccupied country of at least 300 yards in width between the European residences and those of the Asiatic and African. This neutral or protective zone definitely prevents European houses approaching or encroaching on the Asiatic or African quarter and *vice versa*; it is also a useful open space which can be used for recreation purposes by all races."

Professor Simpson's object is thus sanitary. Lord Milner is also influenced by social reasons. To quote again his speech of the 14th July:—

"My own conviction is that in the interests of social comfort, social convenience and social peace, the residence of different races in different areas—I am speaking now of the populous city areas—is desirable, and so far from stimulating it is calculated to mitigate hostility and ill-feeling."

Nevertheless, Lord Milner's decision is bitterly resented not only by Indians in East Africa, but by educated opinion throughout India. The reasons for this resentment require careful consideration.

12. We will first consider segregation in commercial areas. The first objection is that it is irrational. If the end in view is to prevent "the intermingling, in the same quarters of town and trade centres, of races with different customs and habits," the nationality of a business firm would appear to be of less importance than the nationality of its employees and customers. It seems irrational, for instance, that a European and an Indian firm, which are alike dealing mainly with European customers and are alike employing Indian clerks and assistants, should be made to trade in different quarters. Or again, sanitation and social convenience do not appear to require that a European firm with a large native retail trade should carry on its business in the European quarter. The distinction would break down altogether in the case of companies.

Secondly, from the strictly commercial point of view it is inconvenient that firms doing the same class of business should be separated by an artificial barrier. In the Uganda Protectorate, which is less affected by racial prejudice, the recently appointed Development Commission, in para. 209 of their report, stated that they would be strongly opposed to any segregation in the business areas. And we are informed that the Uganda Chamber of Commerce has expressed similar views. Again, in Mombasa, the most important commercial town in East Africa, which is free from the racial bitterness of the uplands, we understand that European opinion generally favours a joint business area.

Thirdly, it is feared that the condition of segregation which Lord Milner postulates, namely, that Indians should be fairly dealt with in the selection of sites, will not be fulfilled. And it must be admitted that the plans of Nairobi, Mombasa and Kisumu, facing pages 24, 45 and 59 of Professor Simpson's report, are sufficient cause for anxiety. In Nairobi, Professor Simpson proposed that the whole of the present business quarter between the railway station and the river should be reserved for Europeans; Indians were to be relegated to the other side of the river. In Mombasa, again, the whole of the area adjoining the harbour of Kilindini was to be the European business area; Indians were to be kept on the other side of the island. And in Kisumu, where practically the whole of the trade is in the hands of Indians, one short street was allotted for the Indian "bazar," while an extensive block was to be laid out as European business quarters.

Fourthly, it is objected that segregation in commercial areas is impracticable. In Nairobi a considerable part of the land which Professor Simpson had included in the European commercial area is already occupied by Indians, who, it is recognised, cannot be expropriated. We are indebted to Sir Edward Northey for the plan attached to this Despatch, showing the lay-out which is now proposed. Comparison with the map facing page 24 of Professor Simpson's report will show that his recommendations have been substantially modified. We gratefully acknowledge the liberal spirit in which Sir Edward Northey has interpreted Lord Milner's orders. At the same time, it is apparent that his proposals, which are based on practical considerations, are not consistent with Professor Simpson's theories. The European and Asiatic areas are now separated only by the width of a street; and the Indian bazar, which, in Professor Simpson's opinion, is the centre of infection, remains where it is, running out like a promontory into the European area. Moreover, a large number of plots in the revised European area, and more especially in the important Government Road, are still occupied by Indians, whom it is not intended to disturb. In fact, it would appear that commercial segregation in Nairobi is now practically narrowed down to the question whether Indians shall be allowed to bid for certain unoccupied plots in the best business streets, in which Indians are already established, but which it is now desired to reserve for European occupation.

13. If, then, the object in view is sanitation and social convenience, we submit that the criterion should be the class of business, and not nationality. We suggest that there should be a joint commercial area, regulated by strict sanitary and building laws, which would ensure that only businesses of good class, whatever may be their nationality, should be established in the best streets, and that business of inferior class, whatever may be their nationality, should be confined to less important streets. Further, it has frequently been noticed that the practice of "living-in" leads to insanitary habits and over-crowding; and we would suggest that "living-in" should be prohibited, at any rate in the best streets. In other words, to use the phrase which, we understand, is current in Nairobi, there should be a joint "lock-up" commercial area.

14. We have next to consider the question of segregation in residential areas. It is admitted that the Indians in East Africa naturally prefer to live together in their own quarter, and have no desire to live in the European residential area. They have only asked that they should be allowed to acquire suitable residential sites, which hitherto have generally been denied to them. The only exceptions are the few Indians who have been brought up to live in European style; and it is understood that the Government of the Colony would not desire to enforce the policy of segregation rigidly in such cases.

15. The Indian objection to residential segregation is primarily a question of principle. It is felt, not only by Indians in East Africa, but also throughout India, that compulsory segregation implies a racial stigma. In theory, it may be that there is no question of racial discrimination against Indians. It is unfortunate, however, that the policy of segregation as advocated by Europeans in East Africa, is animated by the racial feeling which marred the Economic Commission's Report. And it is not easy for Indians to appreciate that the reasons for which Lord Milner has accepted this policy are wholly different. Nor is it a matter of mere sentiment. They fear that in practice the policy of segregation will be administered in a spirit of racialism rather than of even-handed justice. In his speech of the 14th July, Lord Milner said that the condition on which he was prepared to defend segregation was that there should be fair treatment of both races in the matter of sites. "I mean to say," he added, "that you should not give all the best sites to Europeans and cram the Indians into inferior localities." This, however, they consider, is precisely what has happened in the past, when the principle of segregation was not formally recognised. And they see no reason to expect that the formal recognition of the principle will better their condition.

16. These fears do not appear to us to be groundless. In the projected plans of Nairobi, Mombasa and Kisumu in Professor Simpson's Report, the areas demarcated for European and Asiatic residence respectively, apart from any question of convenience, are wholly disproportionate to the numbers of the two communities. And it is understood that in the case of residential areas no substantial modification of Professor Simpson's proposals is intended. It seems to us, indeed, almost inevitable that compulsory segregation will mean that the best sites will be allotted to the race which is politically most powerful. Further, it can be taken as almost certain that the race which controls the Municipal Council will spend an unfair proportion of the revenue of the Municipality on its own quarter, and will neglect the areas occupied by other races. The practical effect of compulsory segregation on the race which is politically weaker, can be seen in the Asiatic ghettos in the Transvaal.

17. We deeply regret that Lord Milner should now have considered it advisable to adopt the principle of race-segregation. It seems to us to be a reversal of the principle for which His Majesty's Government have always contended in the parallel case of South Africa. We may perhaps be permitted to quote the words in which the late Mr. Alfred Lyttelton, in his Despatch dated the 20th July 1904, rejected the proposals which the Governor of the Transvaal had submitted for the segregation of Indians in the Transvaal:—

"His Majesty's Government hold that it is derogatory to the national honour to impose on resident British subjects disabilities against which we had remonstrated, and to which even the law of the late South African Republic rightly interpreted did not subject them, and they do not doubt that when this is perceived the public opinion of the Colony will not any longer support the demand which has been put forward."

We believe that sanitation and social convenience could be adequately secured by mutual consent, by strict enforcement of sanitary and building laws, and by a just

administration of municipal revenues. In this way the end which Lord Milner has in view, to promote social comfort, social convenience and social peace, might be attained. But legislation on racial lines, so far from mitigating, will stimulate hostility and ill-feeling. It will, we fear, gratuitously provoke a conflict which may have grave political consequences in this country and throughout the Empire.

18. *Restrictions on Ownership of Land.*—We will consider first the restriction on the ownership of land in townships. In para. 8 of the Despatch of the 21st May, Lord Milner says that it seems necessarily to follow from the adoption of the principle of race-segregation that as a general rule no transfer of land either by way of ownership or mortgage between Europeans and Asiatics should be allowed; and similarly, when township plots are put up to auction, Europeans should not be allowed to bid for plots in the Asiatic quarter or Asiatics to bid for plots in the European quarter.

19. Even if the principle of race-segregation is admitted, the necessity of this consequence does not seem to us to be obvious. Professor Simpson himself, at the end of para. (16) of his report, says :—

“The town planning and division into separate zones and reservations would not prevent any European, Asiatic, or African owning land or buildings in any zone, except the neutral zone, provided they conform to the provisions of the Ordinance relating to these zones.”

We would also invite attention to para. 212 of the report of the Uganda Development Commission :—

“We have said that we advocate segregation in residential areas, but we consider that a person should be able to acquire land in any area in a township, even though he may not be able to occupy it himself. Any restriction on acquisition would prevent a plot holder from obtaining the full market price for his land and we do not think that this is justifiable or necessary.”

It may be added that the restriction would close a legitimate field for investment both to Indians and to Europeans, and in the case of sales of new plots would be likely to prevent the State also from obtaining the full market price for Crown lands. It is understood that Indians already own many plots in the areas now occupied by Europeans, and *vice versa*. It would appear to us to be inequitable to restrict the right of transfer of plots already alienated, and unnecessary to impose any such restriction in the sale of new plots which may be alienated hereafter.

20. There remains the restriction on the acquisition by Indians of agricultural land in the uplands. It is suggested in para. 6 of the Despatch of the 21st May that this merely reaffirms Lord Elgin's decision, contained in his Despatch of the 19th March 1908, that as a matter of administrative convenience *grants* of land in the upland area should not be made to Indians. We understand, however, that practically no land which is now capable of development remains to be alienated in the uplands. In the course of his address to the Convention of Associations at Nairobi on the 9th August last, His Excellency the Governor is reported in the *East African Standard* of the 14th August to have said :—

“By the time this whole settlement scheme (the Soldier Settlement scheme) had been readjusted *i.e.*, that farms which had not turned out to be what it was hoped they would be were replaced by something better, there should not be a farm left worth having.”

It would thus appear that there is now practically no land left to which Lord Elgin's decision could be applied. It is understood, however, that the restriction has now been extended so as to prohibit the transfer of land to Indians. We would point out that this goes far beyond Lord Elgin's decision, and is incompatible with his own pronouncement that it is not consonant with the views of His Majesty's Government to impose legal restrictions on any particular section of the community in regard to the acquisition of land.

21. Lord Milner has justified the exclusion of Indians from the uplands on the ground that Europeans are by nature physically excluded from other areas. Hence if the limited area which is suitable for European settlement were thrown open to the competition of Asiatics, there would be, taking the Colony as a whole, a virtual discrimination in favour of Asiatic as against European settlement. He cannot, therefore, regard the Indian claim to be admitted to the uplands as just or reasonable.

22. It has been argued with force that there are vast areas in the Empire suitable for European settlement from which Indians are excluded either by law or climatic conditions, and that it is, therefore, unjust that Indians should be prohibited from acquiring agricultural land in a colony which has been, to a considerable extent,

developed by Indian enterprise. Apart from this, however, it is not clear that the admission of Indians to the uplands would be a virtual discrimination against Europeans. First, it is necessary to determine what exactly is meant by the "uplands." This term is defined in the Despatch of the 17th July 1906, in which the Colonial Secretary approved of the principle "that the land outside municipal limits roughly lying between Kiu and Fort Ternan should be granted only to European settlers." It might be inferred from the Despatch of the 21st May and from Lord Milner's speech of the 14th July that the European settlers were confined to a comparatively small area, while Indians enjoyed a monopoly elsewhere. But reference to the map appended to this Despatch, for which we are again indebted to Sir Edward Northey, will show that by far the larger part of the area coloured red, which is alienated land or land surveyed for alienation, lies between Kiu and Fort Ternan. Further, almost the whole of the alienated land outside these limits, that is in the lowlands, which *ex hypothesi* are unsuitable for European settlement, has been alienated to Europeans. The total area alienated to Europeans or available for alienation is given as 11,859 square miles. The total area held by Indians, we are informed, is only 32 square miles, out of which 21 square miles have been purchased from Europeans and only 11 square miles have been obtained from the Government. In addition, Indians hold a small area of agricultural land in the coastal belt; but here again, we understand, Europeans own large plantations.

23. The attitude of the Government towards the acquisition by Indians of agricultural lands, even in the lowlands, can be judged from the following case, which has been brought to our notice :—

On the 11th February 1918 an estate, area 35 square miles, situated at Voi in the lowlands, lying about 150 miles east of Kiu, the eastern boundary of the uplands, which belonged to the Deutsche Englische Ost-Africa Kompagnie Gesellschaft, an enemy firm, was sold by the liquidator, together with the machinery standing thereon, to Mr. William Stirling of Nairobi for Rs. 1,700. By an agreement dated the 22nd June 1918, Mr. Stirling agreed to sell an area of 10,000 acres, being part of this estate, to Messrs. Jiwa Walji and Habib Nanji, British Indian subjects, for Rs. 82,500. The Hon. the Land Officer, however, refused to sanction transfer. At an interview with Mr. Allen of the firm of Messrs. Allen and Hamilton, solicitors for Messrs. Jiwa Walji and Habib Nanji, on the 13th September 1918, the Land Officer was unable to suggest any reason why consent to transfer had been refused, beyond the fact that it had not been the practice of the Government to grant farms to Asiatics exceeding 100 acres in area. This was confirmed in a letter dated the 14th September 1918, addressed by Messrs. Allen and Hamilton to the Land Officer, which continued as follows :—

"The concession which it is desired to transfer from Mr. Stirling to our clients is situate at Voi, a part of the Protectorate which it has never been suggested should be retained exclusively for exploitation by Europeans.

"It is the inherent right of a British subject such as Mr. Stirling is, to sell his property to the best advantage and to anyone whom he pleases, and it is the inherent right of our clients as British subjects, to purchase any property they think fit, provided only, in the case of land, that the proposed transaction does not infringe any law or regulation in force at the time.

"We are aware that transfer requires the consent of Government, but such consent should not and may not be arbitrarily withheld to the prejudice of individuals.

"Our clients have two or three other Indians associated with them in the proposed purchase and they have undertaken to pay Mr. Stirling Rs. 82,500 purchase money, so it is obvious that they are substantial persons.

"We would ask you to be good enough to have the application for transfer referred back to His Excellency in Council with the request that the matter may be reconsidered in the light of the facts set forth in this letter. If the refusal of consent cannot be withdrawn, we request that we may be informed as soon as possible of the exact reasons for the refusal."

In his letter No. 7304 II., L.A.J., dated the 17th October 1918, the Land Officer replied to Messrs. Allen and Hamilton as follows :—

"In reply to your letter No. 478-3 of the 14th instant, I beg to inform you that His Excellency has given the matter long and careful consideration, but does not consider the present an opportune time to introduce such an important innovation in the Land Policy of the Protectorate as would be constituted by the registration of this proposed transfer, to which therefore His Excellency regrets that he is unable to consent."

We submit that it is not easy to reconcile the land policy of the East African Government with Lord Milner's assurance that "it has been the avowed principle, and "it is the definite intention, of the British authorities to mete out even-handed justice "between the different races inhabiting those territories."

24. In the circumstances which we have set forth, we are unable to agree that the Indian claim to be allowed to acquire agricultural land anywhere in the Colony is neither just nor reasonable. We do not consider that the proposal in the latter part of para. 6 of the Despatch of the 21st May is adequate compensation for the exclusion of Indians from the uplands. And we hold most strongly that there is no justification for the extension of Lord Elgin's decision so as to prohibit the transfer of land to Indians, which, in our view, is incompatible with his own pronouncement. We would add that it is the opinion of Sir Benjamin Robertson that climatic disabilities in the Colony as a whole tend to operate against the Indian rather than against the European settler. The European, who works on the plantation system with native labour, can and does cultivate the lowlands. The European planter is no more excluded by climatic considerations from the lowlands than he is excluded from other tropical countries. On the other hand, it is doubtful whether the Indian farmer would prosper in the cold climate of the uplands. We understand that this opinion is supported by experience in Natal. The acquisition of agricultural land by Indians in Natal is not restricted. There are many wealthy Indians, and there are more than 100,000 Indians of the agricultural class. There is a keen demand for land in the coast belt, which has not been satisfied. But very few farms have been acquired by Indians in the uplands; and the evidence before the recent Commission was that where Indians have attempted to farm in the uplands they have generally failed. If then, as Lord Milner suggests, the issue in Kenya Colony is merely a question of climate, we would urge that it be left for the climate to decide.

25. The Despatch of the 21st May purports to deal only with the various questions affecting the Indian community in British East Africa. We are informed, however, by Sir Benjamin Robertson that under the orders of the Colonial Office Lord Milner's decisions were announced simultaneously in Nairobi and Entebbe, and are understood to apply *mutatis mutandis* to the Uganda Protectorate. We were not previously aware that the position of the Indians in Uganda was even under the consideration of the Colonial Office. Moreover, from the information before us it would appear that the East African decisions are generally inapplicable to conditions in Uganda.

26. In the first place, we understand that in Uganda there is no Legislative Council nor any elected Municipal Council. On the contrary, in the important Buganda Province the native Lukiko already enjoys a substantial measure of autonomy, and it is likely that similar forms of native government will eventually be established in the other Provinces.

Secondly, as has already been stated, the Uganda Development Commission, in para. 209 of their report, have rejected the principle of segregation in business areas as impracticable.

Thirdly, the Development Commission in the same paragraph of their report, which was signed by two Asiatic members, accepted generally the principle of separate residential areas for different races; and it would appear that if no orders had been issued, this question would have been settled amicably by mutual consent.

Fourthly, as already stated, the Development Commission in para. 212 of their report have rejected restrictions on the acquisition of land in townships as neither justifiable nor necessary.

Finally, there are no "uplands" in Uganda.

27. In short, the racial issue would seem to have been raised unnecessarily in Uganda. We are informed by Sir Benjamin Robertson that the relations of the Indian community in Uganda with the Government and with unofficial Europeans have always been cordial; and this is borne out by the friendly spirit of the report of the Development Commission, on which all classes were represented. We may, perhaps, be permitted to quote para. 43 of their report, in contrast to the racial bitterness which animated the report of the East Africa Economic Commission:—

"The country owes much to the Indian trader, and we consider that a broad policy of toleration should be adopted towards him. He has shown energy and enterprise, and has assisted in the opening up of the more remote districts. He is also of value as an agriculturist, and his activities in this direction might well be encouraged."

It seems to us regrettable that Uganda should have been drawn into the East African controversy. As things now stand, the Indians in Uganda fear that disabilities to which they have not hitherto been subjected, will now be imposed upon them. It will relieve anxiety if they are assured as early as possible that this is not the intention of His Majesty's Government.

28. To conclude, we are unable to accept Lord Milner's decisions as a final settlement. It is our duty to impress on you that public opinion throughout India regards the case of the Indians in East Africa as a test of the position of India in the British Empire. At the Imperial Conference of 1918, for the sake of Imperial unity, we accepted the reciprocity resolution, which practically excludes Indians from the self-governing dominions. We cannot agree to inequality of treatment in a Crown colony, more especially in a colony in which India has always had a peculiar interest. We have shown in this Despatch that, whatever may be the intention of Lord Milner's decisions, there is in practice an unfair discrimination against Indians in East Africa. If further proof is needed, we may point to the fact that in Tanganyika territory, where Indians are protected by the Covenant of the League of Nations, Lord Milner's decisions cannot be applied. It seems to us to be an impossible position that British Indians in a British Colony should be subjected to disabilities to which they cannot be subjected in an adjoining mandated territory.

29. It has been suggested that a Royal Commission should be appointed to consider the whole question of the administration of the East African territories; and it appears from his reply to Lord Islington's deputation on the 19th April that Lord Milner himself is not averse to the proposal. We would urge the appointment of such a Commission and the inclusion of the Indian question in the terms of reference. In no other way, we believe, will it be possible to assemble the facts on which a just decision can be based. We would also urge that the Government of India should be represented on the Commission. We cannot admit that we are not directly concerned. To quote once more Lord Milner's reply to Lord Islington's deputation, "we will "cease to be an Empire if any portion of the Empire is entirely relieved from "responsibility for what happens in another." The Government of India cannot and will not disclaim responsibility for the welfare of the Indians who are settled in East Africa.

No. 2.

*From His Majesty's Secretary of State for India to the Government of India,
dated 24th December 1920.*

(Telegraphic.)

East Africa. Your Despatch of 21st October. I need hardly say that I am fully alive to importance of question, and as responsible here for protection of Indian interests I have urged upon His Majesty's Government the strength of case which you have so cogently presented. I have not answered your Despatch merely because the matter is still before His Majesty's Government, and I wish Your Excellency's Government to be assured that your Despatch has reinforced case which I was already urging.
